THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27303 OF 2005

DATED:22.12.2005

Between:

Pulya and others

…Petitioners

And

The Government of A.P., rep. by

its Collector, Medak, Medak District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27303 OF 2005

ORDER:

The petitioners claim to be landless tribals. They were allegedly issued pattas by third respondent in respect of the lands comprised in S.Nos.284/26, 284/66, 284/67 and 284/68 situated at Mohd. Nagar Village of Kowdipally Mandal in Medak District. They also allegedly obtained pattadar pass books and title deeds under A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act) and cultivating the lands since 1976. The second respondent issued a letter No.D/3044/05, dated 15.12.2005 (wrongly mentioned in the prayer as 16.12.2006) aggrieved by which the petitioners filed the present Writ Petition seeking invalidation of the said letter.

The impugned letter addressed by second respondent to third respondent reads as

under.

Sir,

Sub:- TWD –Govt. land – Medak Division – Kowdipally (M) – Mohd. Nagar (V) – Donated for construction of Mini-Gurukulam – Extent 10-37 gts. report called for – Reg.

Ref: - 1. Collr.Medak Lr.No.TWD/E/1013/05, Dt.29.11.05.

2. MRO, Kowdipally Lr.No.A/7960/05, Dt.1.12.2005.

I invite your attention to the reference cited, wherein you have informed that certain lands of Govt. assigned lands in Sy.No.284/26, 284/66, 284/67 and 284/68 situated at Mohd. Nagar (V) ofKowdipally (M) were sold away by the original assignees through Registered Sale Deeds and also further sale transactions are also taken place on the same lands changing several hands.

It is well established that several illegal transactions were taken place on the Govt. lands. You are therefore requested to take immediate action under the relevant provisions of A.P. Assigned Lands (POT) Act and resume the land in favour of Govt. after following the due procedure and report compliance urgently.

Learned counsel for the petitioners contends that on the premise that the land admeasuring Ac.10.37 gts. is donated for construction of Mini-gurukulam, second respondent advised the third respondent to take necessary action under the provisions of the Act. The learned counsel contends that the land is a Government land which was assigned to the petitioners because they are tribals and the premise based on which the third respondent was directed to take action under the Act is illegal. He, however, does not dispute that so far the third respondent has not initiated any action under the provisions of the Act.

The second respondent requested the third respondent to take action under the provisions of the Act and the same does not gives rise to any cause of action to the petitioners. As on today, the petitioners cannot be said to be aggrieved by any decision or action. The Act and the Rules made thereunder contemplate procedure before the Government resumes the land, which is transferred/alienated in contravention of the provisions of the Act. Even before the third respondent could initiate any action either the assignee or the subsequent transferee can be said to have any grievance, and the Writ Petition is misconceived.

Observing that the third respondent should follow necessary procedure before taking any action as requested by second respondent, the Writ Petition is accordingly dismissed.

(V.V.S.RAO, J)

22.12.2005

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